



**Request for City Council Committee Action
From the Department of Regulatory Services
Licenses and Consumer Services Division**

Date April 22, 2002
To Public Safety and Regulatory Services Committee
Referral to

Subject

Amendment to Title 14, Chapters 362, 366 and 374 of the Minneapolis Code of Ordinances by: (1) repealing all of Section 362.30(g) relating to off street parking requirements for "on-sale" liquor establishments; (2) repealing of all of Section 366.30(g) relating to off street parking requirements for "on-sale" 3.2% beer licenses; (3) repealing subdivision (b) of Section 374.40 relating an exemption from off street parking requirements at the Minneapolis Convention Center.

Previous Directives

(any past Council actions or directions to staff)

Prepared or Submitted by Clara Schmit-Gonzalez, Deputy Director, Licenses and Consumer Services, 673-3851

Approved by James Moncur, Director, Licenses and Consumer Services

Presenters in Committee--James Moncur, Clara Schmit-Gonzalez, Carol Lansing (Assistant City Attorney), Kenneth Ziegler (Inspector, Licenses and Consumer Services)

Financial Impact (Check those that apply)

☒ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☐ Other financial impact (Explain):

☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact (use any categories that apply)

Neighborhood Notification

City Goals

Comprehensive Plan

Zoning Code

Other

Background/Supporting Information Attached

In 1999, the City Council made amendments to Chapter 363 of the Code of Ordinances ("on-sale" wine licenses) and there has been little adverse effect. This can be attributed to the fact that Chapter 363 provided for a considerably smaller number amount of off street parking spaces (1 space for every 10 seats vs. 30% of capacity) than the Zoning Code. This change also afforded applicants the ability to obtain variances from parking requirements.

The presently offered amendment to Chapter 362 that has the effect of removing all references to parking from the Liquor Code does present some concerns that should be considered in Council deliberations. Chapter 362.30(g), with some exceptions, requires that an applicant for an "on-sale" liquor license provide off street parking for all patrons at a rate of 1 parking spot for each 3 persons, based on the total seating capacity of the establishment or that required by the applicable Zoning Code, whichever is higher. There is no provision for "grandfather rights" or variances in the Liquor Code. Thus, with one known exception, the off street parking requirement required by the Liquor Code has always been applied.

The existence of two parking standards has caused considerable confusion amongst prospective licensees and City staff.

Some concerns about possible impacts that may result from the adoption of this ordinance are as follows:

1. Several existing "on-sale" 3.2% beer and wine establishments with no or very minimal off street parking requirements would immediately become eligible for full liquor licenses by virtue of having "grandfather" rights under the Zoning Code. With the adoption of the present Zoning Code in 1999, commercial uses located in the Dinkytown Overlay District were exempted from off street parking requirements. The Liquor Code was amended to permit businesses to take advantage of this and five (5) new full liquor licenses have been granted in that area. We would expect that other commercial nodes may well see an increase in full liquor licenses.
2. The Zoning Code does not require off street parking for outdoor areas. A general increase in the size of sidewalk cafes and outdoor patios, both new and in the form of expansion of existing ones can be expected.
3. The office of the Zoning Administrator is of the opinion that establishments that have been required to provide off street parking by the Liquor Code will be required to do so under the Zoning Code, even if "grandfather" rights exist.

Communicating the Liquor Code information to Zoning will be considerable since the information is contained in some 10,000 liquor application files that have been generated over a number of years. The task of examining these files and then somehow transferring the data to a computer system will be immense, especially since many establishments have expanded or upgraded their licenses several times over the years.

The amendment repealing 366.30(g) relating to off street parking for "on-sale" 3.2% beer licenses can be expected to have negligible effect because, as with the "on-sale" wine ordinance, the Liquor Code imposes a less restrictive off street parking requirement on these licensees.

The amendment repealing 374.40(b) can be termed a housekeeping item.